

May 18, 2005

The Honorable Betty Ireland Secretary of State  
Administrative Law Division  
Building 1, Room 157K  
Charleston, WV 25305

**RE: Notice of Meeting for Publication in the West Virginia Register**

Dear Ms. Secretary:

In accordance with Chapter 6, Article 9A of the West Virginia Code, notice is hereby given that the West Virginia Environmental Quality Board (the "Board") will meet on Friday, May 27, 2005, at 9:00 a.m. The meeting will be conducted in the **1st floor hearing room at the Board offices located at 601 57<sup>th</sup> St., SE, Charleston, Kanawha County, West Virginia.** During the meeting the Board will discuss the following agenda\*\*:

**I. Appeals**

**1.) Appeal No. 05-09-EQB (MBHD)**

Appeal No. 05-09-EQB (MBHD) was received by the Board on April 4, 2005, and is in regards to an Order for Compliance which was issued by the WVDEP Division of Water and Waste Management on March 2, 2005. The Evidentiary Hearing regarding the issues of this appeal is scheduled for May 27, 2005.

**2.) Appeal No. 05-11-EQB (DuPont)**

Appeal No. 05-11-EQB (DuPont) was received by the Board on April 7, 2005, and is in regards to certain terms and condition contained in WV NPDES Permit No. WV0076244 which was issued by the WVDEP Division of Water and Waste Management. The Evidentiary Hearing regarding the issues of the appeal is scheduled for May 27, 2005.

## **II. Rulemaking**

### **1.) Legislative Rule 46 CSR 1:**

The Board members will receive an update regarding the filing of the “final version” of Legislative Rule 46 CSR 1 (Requirements Governing Water Quality Standards) as approved by the legislature during the 2005 legislative session.

### **2.) Union Carbide Variance Request:**

The US Environmental Protection Agency rejected the new criteria for chlorides in Ward Hollow that was contained in Section 7.2.d.19.3 of the 2004 Water Quality Standards rule. The applicant, Union Carbide Corp., submitted a new application for a variance to numeric criterion for chlorides (not a site-specific criteria change) for the Board members review. During the May 5, 2005, meeting the Board members voted to establish a public comment period and to conduct a public hearing regarding the new application. The Board members will receive an update regarding the filing of the “Notice of Public Comment Period” for the proposed amendment to the Water Quality Standards rule with the Secretary of State’s office and the Legislative Rulemaking Review Committee.

### **3.) Consolidation Coal Company/Windsor Coal Company Variance Request:**

Consolidation Coal Company/Windsor Coal Company submitted an application for a socio-economic variance from the numeric criteria for chloride established in the State’s Water Quality Standards rule. The Board will discuss any potential future actions by the Board on the request in light of the transfer of rule-making authority from the Board to the WVDEP.

## **III. Administrative Matters**

- 1.) Review and Approval of the May 5, 2005, Board meeting minutes
- 2.) Fiscal Year 2006 General Budget Update
- 3.) Personnel Matters
- 4.) Consolidation of the Air Quality Board, the Environmental Quality Board and the Surface Mine Board

## **IV. Other Business**

The Board may take up additional administrative matters and may also consider such business as it may deem appropriate consistent with the Open Governmental Proceedings Act (WV Code §6-9A-1). Portions of this meeting may not be subject to the Open Governmental Proceedings Act.

\*\*Items may not be discussed by the Board in the order in which they are listed on the agenda.

Sincerely,

Melissa Carte,  
Clerk of the Boards